

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CENTURY INDEMNITY COMPANY, AS	:
SUCCESSOR TO CCI INSURANCE	:
COMPANY, AS SUCCESSOR TO	:
INSURANCE COMPANY OF NORTH	:
AMERICA and THE CONTINENTAL	:
INSURANCE COMPANY,	:
	:
Plaintiffs,	:
	:
v.	:
	:
FREEPORT-MCMORAN COPPER & GOLD	:
INC., AS THE CLAIMED SUCCESSOR TO	:
PHELPS DODGE CORPORATION, AS THE	:
CLAIMED SUCCESSOR TO CYPRUS	:
AMAX MINERALS COMPANY, AS THE	:
CLAIMED SUCCESSOR TO AMAX, INC.,	:
AS SUCCESSOR TO AMERICAN METAL	:
CLIMAX, INC.,	:
	:
Defendant.	:
	:
-----X	

Index No. 08 Civ. 02012 (PKL)

AFFIDAVIT OF
MICHELE A. HUGHES

State of Arizona)
) ss
County of Maricopa)

MICHELE A. HUGHES, being duly sworn, deposes and states as follows:

1. I submit this Affidavit in support of the motion to dismiss or stay filed by Freeport-McMoRan Copper & Gold Inc. ("Freeport"). Unless stated upon information and belief, I have personal knowledge of the facts stated herein and affirm that such statements of fact are true and correct to the best of my knowledge.

2. I am the duly elected and acting Assistant Secretary of Cyprus Amax Minerals Company ("Cyprus Amax"), a Delaware corporation, and Phelps Dodge Corporation (renamed Freeport-McMoRan Corporation on April 15, 2008) ("Phelps Dodge"), a New York corporation (together, the "Corporations"), and, as such, I am authorized to provide this affidavit. My office is located in Phoenix, Arizona.

3. AMAX Inc. ("AMAX") was formerly known as American Metal Climax, Inc. The name of the corporation was changed on June 14, 1974.

4. On January 25, 1971, Amax Nickel Refining Company, Inc. was incorporated in Delaware as a subsidiary of AMAX for the purpose of operating a nickel refinery in Braithwaite, Louisiana. Amax Nickel Refining Company, Inc. qualified to do business in Louisiana effective February 5, 1971.

5. On January 1, 1988, Amax Nickel Refining Company, Inc.'s name was changed to Amax Metals Recovery, Inc. ("AMRI").

6. On November 15, 1993, AMAX merged into Cyprus Minerals Company, which entity immediately changed its name to Cyprus Amax.

7. On December 2, 1999, Cyprus Amax merged with and into a subsidiary of Phelps Dodge, but kept the name Cyprus Amax.

8. On March 19, 2007, Phelps Dodge merged with and into a subsidiary of Freeport.

9. Cyprus Amax and AMRI remain corporations in good standing in their respective states of incorporation.

Michele A. Hughes
Michele A. Hughes

Sworn to before me this 22nd
day of May, 2008

Donelle T. Brown
Notary Public

